

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

August 18, 2003

The Honorable Tommy G. Thompson  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Mr. Secretary:

On April 30, 2003, President Bush signed legislation creating a compensation program for first responders who are injured by the smallpox vaccine. We are very concerned that you have not yet fully implemented this legislation and issued regulations.

An adequate mechanism for compensating first responders injured by the smallpox vaccine is a critical component for an effective smallpox vaccination effort. On the day the legislation passed the Senate, Senator Gregg, the bill's sponsor, said, "This is a national security issue. We are at war. The passage of this legislation is vital to the safety of the American people." Senator Kennedy said about the bill that "[First responders] deserve it, and our nation's security demands it."

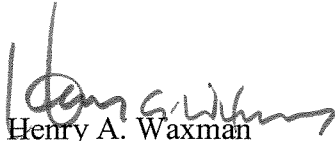
Despite the importance of this legislation, you have yet to publish the implementing regulations that would actually allow first responders who have been injured by the smallpox vaccine to receive compensation for their injuries. During the course of negotiations over the smallpox compensation legislation, we pushed to have a vaccine injury table included in the legislation, with flexibility to change the table as the science on adverse events from the vaccine evolved. We proposed to use the vaccine injury table that was included in H.R. 865. Our concern was that waiting to develop the vaccine injury table until after legislation had actually passed could delay the implementation of this program. This concern has been borne out.

Delay in fully implementing this legislation is unconscionable. First responders are continuing to get vaccinated, and could get injured. We would like to know where these regulations are in the rulemaking process and when you anticipate publishing

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them. Please respond by August 29, 2003. If you have any questions, do not hesitate to contact Sarah Despres of Representative Waxman's staff at (202) 225-5420.

Sincerely,



Henry A. Waxman  
Member of Congress



Sherrod Brown  
Member of Congress



Edward J. Markey  
Member of Congress



Lois Capps  
Member of Congress